

Appl. No. 09/847,554
Amdt. Dated June 30, 2004
Reply to Office Action of May 12, 2004

REMARKS

Claims 1-20 are currently pending. Claims 1-17 have been allowed. The Applicant is herein canceling claims 18-20 without prejudice, thereby placing this case in condition for allowance. Therefore, it is appropriate that the Examiner enter all the offered amendments into the application at this time. Rule 116(a); MPEP 714.12, 714.13. Reconsideration and allowance of all pending claims is respectfully requested.

The Examiner's allowance of claims 1-17 is noted with appreciation, as is the Examiner's acknowledgement of the Applicant's the priority claim to U.S. Provisional Application No. 60/201,215, filed May 2, 2000.

Claims 18-20 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Izadpanah (U.S. Patent Application No. 10/160,986) in view of Barber (U.S. Patent No. 6,242,989), and in further view of Sievenpiper (U.S. Patent No. 6,538,621).

Although the Applicant respectfully disagrees with this rejection for a number of reasons, the Applicant has cancelled claims 18-20 herein, so as to move this case to allowance. Note, however, that the Applicant will pursue the cancelled claims and others in one or more continuation applications.

In response to the Examiner's statement that "All dates of the references are before the priority date of 05-02-2000" (Examiner's paragraph #3, Final Office Action mailed 5/12/2004), the Applicant notes that the dates referred to by the Examiner are the *filing dates* of the references, and not their respective *publication dates*. Because none of the cited references were *published* more than one year before the Applicant's filing date, the Applicant reserves the right to swear behind the references under 37 CFR 1.131. It is in this sense that the Applicant does not concede that any of these three references have an effective date that is prior to the Applicant's date of invention.

Interview Summary

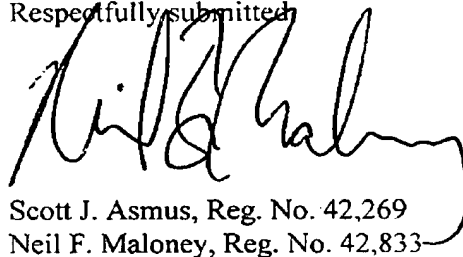
On June 25 and continuing on June 29, the Examiner granted the Applicant's attorney the courtesy of a telephonic interview. The discussion was directed to independent claim 18. The Examiner maintained his belief that Barber discloses an RF-actuated MEMS switch that is responsive to an RF control signal as claimed by the Applicant. The Applicant maintained his

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position that the cited references do not disclose an "RF control signal" as that term is understood, particularly in light of the Applicant's disclosure. Rather, the Applicant respectfully maintains his position that each of the cited references merely discloses conventional actuation. Thus, no agreement was reached.

The Applicant believes the above amendments and remarks to be fully responsive, thereby placing this application in condition for allowance. Favorable action is solicited. The Examiner is kindly invited to contact the undersigned attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



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